
amnesty international

Iran

Submission to the UN Universal Periodic Review

**Seventh session of the UPR Working Group of the
Human Rights Council**

February 2010



Executive summary

In this submission, Amnesty International provides information under sections B, C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*.¹

- Under section B, Amnesty International expresses concern about Iran's general reservation to the Convention of the Rights of the Child, articles in the Iranian Penal Code that stipulate punishment for vaguely defined offences and that are used by authorities to suppress freedom of expression and association, as well as the failure of Revolutionary Courts to adhere to international standards for fair trials when trying those accused of security-related offences. The organization also expresses concern about the wide-ranging scope of the death penalty, including against juvenile offenders, and about legislation that discriminates against women.
- Section C highlights Amnesty International's concerns about a continuing pattern of serious human rights violations, including the extensive use of the death penalty, torture and ill-treatment in detention; the excessive use of force by government agents in suppressing peaceful demonstrations, restrictions on the peaceful exercise of the rights to freedom of expression, association and assembly, including against journalists, writers, human rights activists, women's rights activists, students, teachers and independent labour leaders; persecution of ethnic, linguistic and religious minorities; and persecution of LGBT individuals .
- In section D, Amnesty International makes a number of recommendations for action by the government to address these areas of concern.

¹ Contained in *Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1*, section I, adopted 27 September 2007.

Iran

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B. Normative and institutional framework of the state: Failure to bring laws into line with international standards

Iran has made no reservations to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), or the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), but has entered a general reservation to the Convention on the Rights of the Child (CRC) that it “reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect”. The Committee on the Rights of the Child has expressed its concern that the “broad and imprecise nature of the State party’s general reservation potentially negates many of the Convention’s provisions and raises concern as to its compatibility with the object and purpose of the Convention”.²

Restrictions on freedom of expression, association and assembly

The Iranian Penal Code contains a number of vaguely worded articles relating to “national security” which prohibit a range of activities that do not amount to recognizably criminal offences, including activities connected with journalism or public discourse. Articles 498 and 499 prohibit forming or joining a group or association, either inside or outside the country that seeks to “disturb the security of the country”. Article 500, which prohibits “propaganda against the state”, and Article 610, which outlaws “acting against national security”, are similarly vaguely worded. Acts against national security deemed sufficiently serious to be considered “enmity against God” (which can include taking up arms against the state) or “corruption on earth”, under Article 183 of the Penal Code, attract one of four penalties: execution, cross-amputation, crucifixion or banishment. The charge of “enmity against God” is typically brought against political dissidents, critics of the government and persons accused of espionage.

At least nine articles in the Press Code and the Penal Code, many of which are vague and overlap, deal with criticism, insult and defamation, notably of state officials, and at least one deals with the dissemination of “false information”. The punishments for such charges include imprisonment and the cruel, inhuman and degrading punishment of flogging.³

Unfair trials

Trials in Iran before General, Revolutionary or other Special Courts do not meet international standards for fair trial, most notably those laid down in Articles 6 (in capital cases) and 14 of the ICCPR. The independence of the judiciary is compromised, the independence and security of lawyers are undermined and, in many cases, particularly those relating to national security, detainees are not afforded access to legal counsel until investigations are deemed

² *Concluding Observations of the Committee on the Rights of the Child: Iran (Islamic Republic of)*, CRC/C/15/Add.123, 28 June 2000, paragraph 7.

³ During his visit in November 2003, the Special Rapporteur on the right to freedom of opinion and expression noted that many limitations in the Press Code and the Penal Code did not comply with the restrictions possible under Article 19, paragraph 3, of the ICCPR (E/CN.4/2004/62/Add.2, 12 January 2004).

complete, on the basis of a note following Article 128 of the Code of Criminal Procedures. This leads to prolonged periods of incommunicado detention, sometimes in parallel or informal detention centres to which the judiciary has no access, a process which facilitates the use of torture or other ill-treatment to obtain “confessions”. Such “confessions” are admissible as evidence in court.⁴

The death penalty and cruel punishments

National legislation currently provides for the death penalty for a wide range of offences, not all of which have lethal consequences, including murder, rape, consensual homosexual sex, repeated consumption of alcohol, drug trafficking, and “enmity against God and corruption on earth”.⁵ A wide range of crimes can in some circumstances be considered to fall under this legislation, such as economic corruption, organizing “corruption rings” and producing pornography. Stoning is the penalty for “adultery while being married”, although a parliamentary committee has recommended it be dropped from a revised version of the Penal Code currently under consideration. Although not currently included in the Penal Code, converts from Islam have been charged with apostasy and sentenced to death under legal provisions which require judges to use their knowledge of Islamic law to judge cases where no codified law exists; however, in recent years no one is known to have been executed for apostasy.

Despite Iran’s ratification of the ICCPR and the CRC, the Penal Code also provides for the execution of juvenile offenders. The age for criminal responsibility under Iranian law is set at 14 years and seven months for boys and eight years and nine months for girls, which is not only discriminatory but also low by international standards. Iranian officials exclude the state’s responsibility for executions in murder cases, contending that the right to insist on execution lies with the victim’s blood relatives, a contention not accepted under international law.⁶

Amputation is provided for under Articles 190 and 201 of the Penal Code and there are many articles providing for flogging.

Legislation which discriminates against women

Many articles of the Civil Code discriminate against women, particularly in the areas of marriage, divorce, nationality and custody of children, and inheritance. Women are excluded from key areas of the state; they cannot preside over a court as a judge, and no woman has ever been permitted to stand for the presidency. Under the Penal Code, a woman’s weight of testimony is worth half that of a man’s, women receive half as much compensation for injury or death as men, and, as outlined above, girls face prosecution as adults at a much younger age than boys. So-called “honour crimes” may be committed with impunity.

C. Promotion and protection of human rights on the ground

The death penalty

Iran is second only to China in the number of executions recorded in both 2007 and 2008. There were at least 346 executions in Iran in 2008 and at least 318 in 2009, as of 25 August. Worryingly, over 100 of these have taken place since the disputed presidential election in June.⁷ Iran executed at least eight juvenile offenders in 2008; it is the only country in the world known to have executed a juvenile offender that year. At least three alleged juvenile offenders have been executed so far in 2009.

⁴The Human Rights Committee has expressed concern over the lack of safeguards for due process and fair trials particularly before the Revolutionary Courts (CCPR/C/79/Add.25, 3 August 1993, para12).

⁵ See also Section 2 of Amnesty International, *Iran: The last executioner of children* (Index: MDE 13/059/2007, 27 June 2007).

⁶ See, for example, *Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran*, A/63/459, 1 October 2008, p11.

⁷ Amnesty International, *Iran: Alarming spike in executions since disputed presidential election* (Press release, 7 August 2009).

One example is the case of Delara Darabi who was executed on 1 May 2009. She had been convicted of committing a murder that occurred when she was 17 years old. She had originally confessed to the crime, which occurred during a burglary, but later said that she confessed only in the hope of protecting her boyfriend, whom she identified as the one who carried out the murder. She had been granted a two-month stay of execution by the Head of the Judiciary on 19 April 2009. However, despite the stay, she was executed less than two weeks later. The authorities did not inform her family, nor was her lawyer told of the execution beforehand, in violation of Article 7 of the regulations governing executions.⁸

Many of those executed were convicted in flawed legal proceedings, some after having made televised pre-trial "confessions". In May 2007, a member of the Baluch minority, 17-year-old Sa'id Qanbar Zahi, was executed for his alleged involvement in the bombing of a bus in the city of Zahedan. He and four other men "confessed" on Iranian state television to several bomb attacks and to involvement in an armed resistance movement, the People's Resistance Movement of Iran (PRMI), also known as *Jondallah*. Three other alleged members of the PRMI were hanged in public in Zahedan on 30 May 2009, less than 48 hours after an explosion, claimed by the PRMI, in a Shi'a mosque in Zahedan on 28 May 2009, which killed up to 25 worshippers. Officials said that, although the three men were in detention at the time of the bombing, they had "confessed" to bringing explosives used in the mosque into the country and to involvement in other bomb attacks and kidnapping. Thirteen other alleged PRMI members were hanged on 14 July 2009.

Torture and other ill-treatment

Prisoners in Iran's prisons - particularly those held in locations controlled by the numerous intelligence agencies - are often subjected to torture and other ill-treatment, including denial of necessary medical treatment. Such treatment may be intended to force them to make "confessions" which are then used as evidence against them in court, or as further punishment.⁹

Amnesty International has reported numerous examples of detainees who were subjected to torture and other ill-treatment in detention. For example, Behrouz Karimizadeh and Ali Kantouri, both students, were detained for their alleged role in demonstrations around the time of Iran's National University Students' Day on 7 December 2007. While interrogated in detention, Behrouz Karimizadeh had a hard object thrust into his left ear causing a loss of hearing. Ali Kantouri was arrested by security officials on 15 January 2008 in the north-western town of Qazvin. He was held in solitary confinement in Qazvin Prison and subjected to intensive interrogation. During this time, his ribs and several of his teeth were broken when he refused to be filmed confessing to having links with exile groups and attempting to destabilize the country.¹⁰

There have been many reports of torture and other ill-treatment since the disputed presidential elections on 12 June 2009. Methods reported include severe beatings, confinement in extremely small spaces, deprivation of light, food and water, denial of medical treatment, and sexual assault, including rape. There has been official acknowledgement that at least some detainees were tortured and, on 29 July, Supreme Leader Ayatollah Ali Khamenei ordered the closure of Kahrizak detention centre outside Tehran, where treatment had been particularly harsh, acknowledging that detainees had been abused there.

Excessive use of force by government agents

⁸ Amnesty International, *Iran Urgent Action: Delara Darabi - Fear of imminent execution* (Index: MDE 13/031/2009, 9 April 2009; MDE 13/032/2009, 17 April 2009; MDE 13/034/2009, 20 April 2009; MDE 13/042/2009, 5 May 2009).

⁹ These conditions were extensively described in Amnesty International, *Iran: New government fails to address dire human rights situation* (Index: MDE 13/010/2006, 16 February 2006), p25.

¹⁰ Amnesty International, *Iran Urgent Action: Between 20 to 30 students associated with the student group Students for Freedom and Equality - Arbitrary arrests/fear of torture or ill-treatment/possible prisoners of conscience* (Index: MDE 13/147/2007, 13 December 2007; MDE 13/008/2008, 17 January 2008; MDE 13/062/2008, 15 April 2008; MDE 13/067/2008, 14 May 2008).

When Iranians take to the streets, they are frequently met with excessive force by government agents, including plain-clothed Basij paramilitaries armed with batons and chains, who act with impunity, viciously beating demonstrators and causing countless injuries. The agents have often fired into crowds, causing fatalities. This was particularly noticeable following the recent presidential election, when, for example, 26-year-old Neda Agha-Soltan was shot dead, allegedly by a security official, in a street in Tehran on 20 June 2009.¹¹ Similar excessive use of force has also been documented in previous years, including against members of the Ahwazi Arab and Kurdish minorities demonstrating in 2005 and members of the Azerbaijani minority demonstrating in 2006. No one is known to have been brought to justice for any such abuses.¹²

Restrictions on the rights to freedom of expression, association and assembly

In recent years, the authorities have been engaged in a particularly harsh crackdown against all forms of dissent. Those targeted include journalists, writers, human rights activists, women's rights activists, students, teachers and independent labour leaders, such as bus-driver Mansour Ossanlu, currently serving a five-year sentence for his peaceful trade union activities. Many of them have been charged in vague terms under the provisions mentioned in section B above, and have faced unfair trials in Revolutionary Courts.

The government has suppressed the right to freedom of expression by shutting down dozens of journals, magazines and websites. For instance, in late January 2008, the authorities rescinded the publishing licence for *Zanan* magazine, which focussed on women's issues. The magazine had been in existence for 16 years.

On 21 December 2008, the Centre for Human Rights Defenders (CHRD), founded by Nobel Laureate Shirin Ebadi and others, which provides legal assistance to victims of human rights violations, was forcibly closed by government agents. CHRD staff members and guests were harassed and intimidated.¹³ One CHRD member, Mohammad Ali Dadkhah, is among those still detained in the aftermath of the disputed presidential election.¹⁴ Shirin Ebadi has also been the target of numerous death threats as well as vilification in the state-owned media. Amnesty International fears that she could be assassinated and that her killers could claim immunity under Article 295 of the Penal Code, which enables someone who has committed murder to avoid prosecution by claiming that the victim deserved to die, or was someone whose "blood may be spilt without sin".¹⁵

The right to peaceful assembly is often restricted. Alieh Aghdam-Doust is currently serving a three-year sentence for her participation in a peaceful protest demanding an end to discrimination in law against women in June 2006, which was violently dispersed by security forces.¹⁶

Persecution of ethnic, linguistic and religious minorities

Despite constitutional guarantees of equality, individuals belonging to minorities in Iran are subject to an array of discriminatory laws and practices. These include land and property confiscations, denial of employment under the discriminatory *gozinesh* selection criteria¹⁷ and restrictions on social, cultural, linguistic and religious freedoms leading to other human rights violations, such as the imprisonment of prisoners of conscience, grossly unfair trials of political prisoners before Revolutionary Courts, corporal punishment and use of the death penalty, as well as

¹¹ See Amnesty International, *Iran: Amnesty International urges Iran to stop using Basij militia to police demonstrations* (Press release, 22 June 2009).

¹² See *Amnesty International Report 2006* (Index: POL 10/001/2006, 22 May 2006) and *Amnesty International Report 2007* (Index: POL 10/001/2007, 23 May 2007).

¹³ See Amnesty International, *Iran: Enforced closure of human rights centre an ominous development* (Index MDE 13/180/2008, 23 December 2008).

¹⁴ Amnesty International, *Iran Urgent Action: Lawyers' whereabouts unknown after arrest* (Index: MDE 13/071/2009, 10 July 2009).

¹⁵ See Amnesty International, *Iran: Human rights defenders under attack: Case sheet* (Index MDE 13/075/2009: 18 August 2009).

¹⁶ Amnesty International, *Iran: Alieh Aghdam-Doust: Prisoner of conscience* (Index: MDE 13/027/2009, 27 April 2009).

¹⁷ See *Iran: Amnesty International's concerns relevant to the 91st International Labour Conference* (Index: IOR 42/003/2003, 10 April 2003).

restrictions on movement and denial of other civil rights. Minorities suffering persecution include ethnic and linguistic minorities such as Kurds,¹⁸ Arabs,¹⁹ Azerbaijanis,²⁰ Turkmen²¹ and Baluchis,²² and religious minorities such as Baha'is²³ and the Ahl-e Haq.²⁴ Evangelical Christians who attempt to proselytize are often arrested, and converts from Islam risk harassment, arrest and may be threatened with the death penalty.²⁵ Shi'a Muslims who refuse to accept the principle of clerical rule which is the basis of the Islamic Republic are also persecuted, such as Ayatollah Sayed Hossein Kazemeyni Boroujerdi.²⁶

Persecution of LGBT individuals

Consensual same-sex sexual relations - by men or women - are forbidden in Iran and are punishable under Articles 108-134 of the Penal Code by death or flogging. Gays and lesbians in Iran are subject to harassment by government and religious authorities, including Basij paramilitaries and "morality police". They are known to patrol parks thought to be frequented by homosexuals and to monitor the internet, often posing as homosexuals in order to entrap men seeking other men. The religious police are pervasive in society - on university campuses, in public places and in the military - and report on those thought to transgress sexual norms. In one incident, 87 men were arrested at a party in Esfahan province in May 2007 by police and Basij paramilitaries, who beat them severely. While most were released on bail, 17 were detained, reportedly for wearing women's clothes; a judge allegedly said they would be charged for "homosexual conduct".²⁷

¹⁸ Amnesty International, *Iran: Human rights abuses against the Kurdish minority* (Index: MDE 13/088/2008, 30 July 2008).

¹⁹ Amnesty International, *Iran: Defending minority rights: The Ahwazi Arabs* (Index: MDE 13/056/2006, 17 May 2006).

²⁰ Amnesty International, *Iran Urgent Action: Azerbaijani cultural rights activists - Fear for safety / Fear of torture and other ill-treatment / Possible prisoners of conscience* (Index: MDE 13/078/2008, 5 June 2008).

²¹ Amnesty International, *Iran Urgent Action: Jamshid Arazpour, Haji Aman Khadivar and 82 others - Fear of torture* (Index: MDE 13/016/2008, 25 January 2008; MDE 13/072/2008, 22 May 2008).

²² Amnesty International, *Iran: Human rights abuses against the Baluchi minority* (Index: MDE 13/104/2007, 17 September 2007).

²³ Seven leaders of the Baha'i religious community were arrested in March and May of 2008 and charged with serious offences including, "corruption on earth", espionage for Israel, "insulting religious sanctities" and "propaganda against the system." If convicted, they could be sentenced to death. Amnesty International believes they are prisoners of conscience, detained solely for their peaceful religious beliefs and activities on behalf of the Baha'i community. See, for example, Amnesty International, *Iran Urgent Action: Members of the Baha'i Community - Arbitrary arrests/prisoners of conscience* (Index: MDE 13/068/2008, 15 May 2008; MDE 13/109/2008, 6 August 2008; MDE 13/013/2009, 12 February 2009; MDE 13/066/2009, 03 July 2009; MDE 13/077/2009, 20 July 2009).

²⁴ Amnesty International, *Iran Urgent Action: Yunes Aghayan - Fear of imminent execution* (Index: MDE 13/038/2009, 27 April 2009).

²⁵ Amnesty International, *Iran Urgent Action: Maryam Rostampour and Marzieh Amirzadeh Esmailabad - Prisoners of conscience/ Medical concern* (Index: MDE 13/030/2009, 8 April 2009).

²⁶ Amnesty International, *Iran: Ensure free presidential election* (Index: MDE 13/046/2009, 15 May 2009).

²⁷ Amnesty International, *Iran Urgent Action: Up to 17 men - Possible prisoners of conscience/fear of torture or ill-treatment* (Index: MDE 13/057/2007, 18 May 2007; MDE 13/065/2007, 6 June 2007).

D. Recommendations for action by the state under review

Amnesty International calls on the government to:

Ratification of international treaties

- Remove its reservation to the CRC and ratify, without reservation, the Convention on the Elimination of All Forms of Discrimination against Women;

Freedom of expression, association and assembly

- Ensure that domestic laws do not criminalize the legitimate exercise of the rights to freedoms of expression, association and assembly or the legitimate exercise of other rights and that they conform fully with Iran's obligations under international human rights standards;

Unfair trials

- Revise the procedures for trials held in Revolutionary Courts to ensure that they comply with international standards for fair trial, notably that confessions obtained through torture or duress are not admissible as evidence and that defendants are granted full rights to legal counsel and to examine all charges against them;

Death penalty

- Immediately cease all executions of children or juvenile offenders and prohibit the imposition of the death penalty on anyone for a crime committed when under 18, including murder;
- End execution by stoning;
- Review existing and proposed laws so as to significantly reduce use of the death penalty, by progressively reducing the number of capital offences, with the eventual aim of abolition of the death penalty;
- In the meantime, ensure that the death penalty may be imposed only in response to the most serious crimes and following trial proceedings which fully conform to international fair trial standards;

Discrimination

- Revise or amend all legislation which discriminates against women, religious or linguistic minorities or which prohibits consensual sexual relations outside marriage, including same-sex sexual relations.

Torture and other ill-treatment

- End the practice of incommunicado detention, solitary confinement, and torture and other ill-treatment in detention, and ensure that those accused of abusing detainees are brought to justice;

Excessive use of force by security agents

- Take immediate measures to end the practice of excessive use of force and violence by police, Basij paramilitaries or other government agents against those exercising their rights to freedom of expression, association and assembly.

Appendix: Amnesty International documents for further reference²⁸

Reports:

- "Iran", *Amnesty International Report 2006* (Index: POL 10/001/2006, 22 May 2006)
- "Iran", *Amnesty International Report 2007* (Index: POL 10/001/2007, 23 May 2007)
- *Iran: A legal system that fails to protect freedom of expression and association* (Index: MDE 13/045/2001, 21 December 2001)
- *Iran: Amnesty International's concerns relevant to the 91st International Labour Conference* (Index: IOR 42/003/2003, 10 April 2003)
- *Iran: Defending minority rights: The Ahwazi Arabs* (Index: MDE 13/056/2006, 17 May 2006)
- *Iran: End executions by stoning* (Index: MDE 13/001/2008, 15 January 2008)
- *Iran: Human rights abuses against the Baluchi minority* (Index: MDE 13/104/2007, 17 September 2007)
- *Iran: Human rights abuses against the Kurdish minority* (Index: MDE 13/088/2008, 30 July 2008)
- *Iran: Human rights in the spotlight on the 30th Anniversary of the Islamic Revolution* (Index: MDE 13/010/2009, 5 February 2009)
- *Iran: New government fails to address dire human rights situation* (Index: MDE 13/010/2006, 16 February 2006)
- *Iran: The last executioner of children* (Index: MDE 13/059/2007, 27 June 2007)
- *Iran: Women's rights defenders defy repression* (Index: MDE 13/018/2008, 28 February 2008)
- *Iran: Worsening repression of dissent as election approaches* (Index: MDE 13/012/2009, 1 February 2009)

Press releases and public statements:

- *Iran: Alarming spike in executions since disputed presidential election* (Press release, 7 August 2009)
- *Iran: Amnesty International urges Iran to stop using Basij militia to police demonstrations* (Press release, 22 June 2009)
- *Iran: Enforced closure of human rights centre an ominous development* (Index: MDE 13/180/2008, 23 December 2008)
- *Iran: Ensure free presidential election* (Index: MDE 13/046/2009, 15 May 2009)
- *Iran: Supreme Leader must act on torture, says Amnesty International* (Press release, 15 August 2009)

Urgent Actions and Casesheets:

- *Iran Urgent Action: Azerbaijani cultural rights activists - Fear for safety / Fear of torture and other ill-treatment / Possible prisoners of conscience* (Index: MDE 13/078/2008, 5 June 2008)
- *Iran Urgent Action: Between 20 to 30 students associated with the student group Students for Freedom and Equality - Arbitrary arrests/fear of torture or ill-treatment/possible prisoners of conscience* (Index: MDE 13/147/2007, 13 December 2007; MDE 13/008/2008, 17 January 2008; MDE 13/062/2008, 15 April 2008; MDE 13/067/2008, 14 May 2008)
- *Iran Urgent Action: Delara Darabi - Fear of imminent execution* (Index: MDE 13/031/2009, 9 April 2009; MDE 13/032/2009, 17 April 2009; MDE 13/034/2009, 20 April 2009; MDE 13/042/2009, 5 May 2009)
- *Iran Urgent Action: Jamshid Arzpour, Haji Aman Khadivar and 82 others – Fear of torture* (Index: MDE 13/016/2008, 25 January 2008; MDE 13/072/2008, 22 May 2008)
- *Iran Urgent Action: Lawyers' whereabouts unknown after arrest* (Index: MDE 13/071/2009, 10 July 2009)
- *Iran Urgent Action: Maryam Rostampour and Marzieh Amirzadeh Esmaeilabad - Prisoners of conscience/ Medical concern* (Index: MDE 13/030/2009, 8 April 2009)
- *Iran Urgent Action: Members of the Baha'i Community - Arbitrary arrests/prisoners of conscience* (Index: MDE 13/068/2008, 15 May 2008; MDE 13/109/2008, 6 August 2008; MDE 13/013/2009, 12 February 2009; MDE 13/066/2009, 03 July 2009; MDE 13/077/2009, 20 July 2009)

²⁸ All of these documents are available on Amnesty International's website: <http://www.amnesty.org/en/region/iran>

- *Iran Urgent Action: Up to 17 men - Possible prisoners of conscience/fear of torture or ill-treatment* (Index: MDE 13/057/2007, 18 May 2007; MDE 13/065/2007, 6 June 2007)
- *Iran Urgent Action: Yunes Aghayan – Fear of imminent execution* (Index: MDE 13/038/2009, 27 April 2009)
- *Iran: Alieh Aghdam-Doust - Prisoner of conscience* (Index: MDE 13/027/2009, 27 April 2009)
- *Iran: Human rights defenders under attack - Case sheet* (Index: MDE 13/075/2009: 18 August 2009)